

Minutes

THE CITY OF TUTTLE BOARD OF ADJUSTMENT MEMBERS MET IN REGULAR SESSION ON **FEBUARY 28, 2022 AT 4:30 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: VICKIE SOUTHARD, JAY BRUNSON, ALEX CROW, RYAN OVERHOLT.

MEMBERS ABSENT: NONE

STAFF PRESENT: KELLY DEATHERAGE, BRYAN BALENSEIFEN, AND WENDY MARBLE

OTHERS PRESENT: NONE

CALL TO ORDER Southard called the meeting to order at 4:31 pm

ROLL CALL Kelly called the roll and declared a quorum present

ORDER OF BUSINESS

1. DISCUSSION and related CONSIDERATION approval of minutes from November 29, 2021
Motion was made by Brunson and seconded by Overholt to approve minutes from November 29, 2021, meeting.
Motion carried as follows:
Aye: Southard, Brunson, Crow and Overholt
Nay: None
2. PUBLIC HEARING, DISCUSSION and RELATED CONSIDERATION of BOA Petition 2022-01 Request of David and Jenny Sinning for a design Review at 921 Spruce

Sinning moved here in 2000 and now it's time to retire and replace old frame house which is around 1000 sq ft. would like to demolish and replace with 1600 sq ft home. Southard ask if it is a 30x54 build with a 24x24 garage. Sinning responded with a yes. Brunson ask lot size and Sinning states it is 2-2 ½ Acres. Overholt ask if it is a metal building. Sinning Responded and said yes. Crow asks if any other material would be on the outside and Sinning said he could if required to do so. Crow asks if the tree is staying, and Sinning responded stating he would do some clean up from the storm damage to it but it would be staying. Brunson ask staff if there was any object from neighbors. Balenseifen a neighbor called today asking about property values. Balenseifen the zoning ordinance requires the sides and rear be 100 % brick and the front 50% brick or stone. Metallic façade prohibited, the reason for the review the proposed façade does not meet the current City Code therefor the board must approve the design review and there are four requirements for the board to consider when granting a special exception to the façade ordinance. Crow how many acres does it have to be to not need a special exception. Balenseifen 10 acres or more to not comply with code. Overholt this is a popular type of build, and we are not here to rewrite the code and the issue is with the city council and the code, with no hardship being presented. Brunson every board of adjustment meeting we have a design review where we have regularly grant variances about façade to deny one now reeks arbitrary and capricious. Southard asks about a partial façade. Jenny Sinning a metal façade would eliminate the risk of mold and mildew, protecting from fire, water damage, and wind damage. Overholt states he is not waiting to approve this variance. Balenseifen the code changed in 2019 to a brick façade and changes in lot size.

Southard opened the public hearing at 4:32 pm

Southard closed the public hearing at 4:32 pm

Motion was made by Brunson, seconded by Crow to approve the findings of facts for BOA Petition 2022-01 Request of design Review at 921 Spruce.

Motion carried as follows:

Aye: Brunson, Southard, and Crow

Nay: Overholt

ANNOUNCEMENTS

ADJOURNMENT

Motion was made by Overholt, seconded by Brunson to adjourn the meeting at 4:53 p.m.

Motion carried as follows:

Aye: Brunson, Southard, Overholt and Crow

Nay: None

Attest:

Wendy Marble, City Clerk

Vickie Southard, Vice-Chairman